

ED
OFFICE
COURT ED NY
APR 22 2019
BROOKLYN OFFICE

NR:VTN
F. #2018R01745

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

ANDRE WILBURN,

Defendant.

- - - - -X

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 19-108 (S-1) (MKB)
(T. 18, U.S.C., §§ 2251(a), 2251(e),
2252(a)(4)(B), 2252(b)(2), 2253(a),
2253(b) and 3551 et seq.; T. 21, U.S.C.,
§ 853(p))

THE GRAND JURY CHARGES:

COUNT ONE
(Sexual Exploitation of a Child)

1. On or about November 6, 2016, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions were transported and transmitted using

any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT TWO

(Possession of Child Pornography)

2. On or about September 6, 2018, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images contained on an LG LS740 Volt cellular telephone bearing serial number 411CYJZA0784236, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

COUNT THREE

(Possession of Child Pornography)

3. On or about September 6, 2018, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images contained on a Seagate hard

drive bearing serial number 9QG9JPBH, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

COUNT FOUR
(Possession of Child Pornography)

4. On or about September 6, 2018, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images contained on a Toshiba hard drive bearing serial number 92DGP39ZTTZ2, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

COUNT FIVE
(Possession of Child Pornography)

5. On or about September 6, 2018, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images contained on a Toshiba hard drive bearing serial number 43ILPBSMTTB2, that had been mailed, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

6. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal,

constituting, or traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses, or any property traceable to such property, including but not limited to: (i) one LG LS740 Volt cellular telephone bearing serial number 411CYJZA0784236; (ii) a Seagate hard drive bearing serial number 9QG9JPBH; (iii) a Toshiba hard drive bearing serial number 92DGP39ZTTZ2; and (iv) a Toshiba hard drive bearing serial number 43ILPBSMTTB2, which were seized on or about September 6, 2018 from the defendant's residence.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

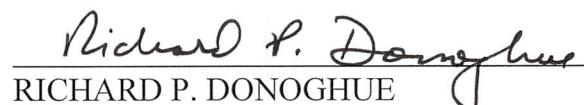
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any

other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL


FOREPERSON


RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2018R01745
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

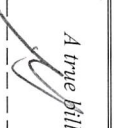
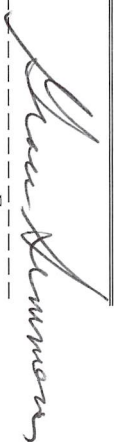
ANDRE WILBURN,

Defendant.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 2251(a), 2251(e), 2252(a)(4)(B), 2252(b)(2), 2253(a),
2253(b) and 3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.



Foreperson

Filed in open court this _____ day;

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Virginia Nguyen, Special Assistant U.S. Attorney (718) 254-6280